

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14003 of Charles Coleman, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3102.42 to increase the number of residents in a community residential facility from four to six persons where there are other community based residential facilities with five or more residents in the same square and others within 500 feet of the subject property in an R-4 District at premises 1377 Quincy Street, N.W., (Square 2825, Lot 56).

HEARING DATE: August 3, 1983

DECISION DATE: August 3, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of Quincy Street, between 13th and 14th Streets, N.W. and is known as premises 1377 Quincy Street, N.W. It is in an R-4 District.

2. The site is rectangular in shape containing 2,152 square feet of land area and sixteen feet of frontage on Quincy Street. It is improved with a two-story brick semi-detached dwelling which is occupied as a community residential facility.

3. The applicant proposes to increase the number of residents from four to six in the subject community residence facility.

4. The representative of the applicant testified that the increase of two residents was needed to meet the Department of Human Services objectives for group home facilities in the community.

5. The applicant owns the adjoining row dwelling at 1375 Quincy Street, N.W. which is occupied as a community residence facility with four residents.

6. The subject site is occupied as a community based residential facility for four persons under Certificate of Occupancy No. B118145, dated December 11, 1979.

7. Community residence facilities with five or more residents in the same square are located at 1311 and 1375

Quincy Street, N.W. Other facilities within 500 feet include 3923 and 3932 - 14th Street, N.W.

8. No evidence or testimony was offered into the record by the applicant to address any provisions enumerated under Paragraph 3102.42 of the Zoning Regulations. Particularly, Sub-paragraph 3102.425 requires that this Board must find that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations.

9. The Office of Planning, by report dated July 27, 1983, recommended denial of the application based upon the written recommendation of the licensing agency, the Department of Human Services (DHS), to deny the application. The Office of Planning was of the opinion that the program goals and objectives of the District of Columbia would not be served by the increase of the resident population at the subject site.

10. The Office of Planning reported that the DHS had reported in writing to the Office of Planning that it was in the process of amending its contract with the applicant of the subject facility and was requesting that the number of residents remain the same and not be increased. The referral to the DHS is a prerequisite under Sub-paragraph 3102.427.

11. The Office of Planning further reported that the D.C. Police Department, in a memorandum dated July 14, 1983, stated that "... although the increased need for police service in the 3400 to 3600 blocks of 14th Street, N.W. and the street directly adjacent to same cannot be directly attributed to the residents of 1377 Quincy Street, N.W., negative community feelings have been directed towards the numerous residential facilities in the approximate area. Based on the above, the Department was of the opinion that approval for the increased capacity should be held in abeyance until the applicant provides a plan to the Office of Building and Zoning Regulations which would clearly demonstrate his ability to adequately supervise six residents. In addition, the Department stated that the area has a high incidence of crime, and may not be conducive to the rehabilitation of youths who have been neglected by their parents or guardians. The Board concurs with the views and recommendations of the Office of Planning, the Department of Human Services, and the Police Department.

12. Advisory Neighborhood Commission 4C did not file a recommendation on this application. The ANC, by letter of July 28, 1983, advised the BZA that it did not take any

action on the application due to the absence of a quorum at its meeting date.

13. No one appeared at the public hearing or as of record in favor of or in opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes the applicant is seeking a special exception the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3102.42 and particularly Sub-paragraph 3102.425 of the Zoning Regulations. The Board concludes that the applicant has not carried his burden of proof under Paragraph 3102.42. No probative evidence or testimony was presented by the applicant regarding any community residence facility of five or more residents within the subject square or within 500 feet of the subject site except the facility at 1375 Quincy Street, N.W. which adjoins the subject property. No evidence or testimony was offered related to the cumulative effects of the facilities or any adverse impacts on the neighborhood because of traffic, noise or operations. In summary, the Board concludes that the applicant failed to address any of the merits of the application as part of the record. The dearth of facts compels the Board to deny the application for failure of the applicant to sustain the burden of proof. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-0 (Lindsley Williams, Douglas J. Patton, Charles R. Norris to deny; Carrie Thornhill and William F. McIntosh not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

OCT 27 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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